

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claims 5, 6, 11, and 12 contain allowable subject matter.

Disposition of Claims

Claims 1-14 are pending. Claims 1, 8, and 14 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 8.

Drawings

The Examiner objects to the drawings for including a PCT label on Fig. 1. Applicant hereby submits a replacement sheet for Fig. 1 which does not include the PCT label. No new matter is added by way of the replacement drawing sheet. Accordingly, withdrawal of this objection and acceptance of the drawings is respectfully requested.

Abstract

The Examiner objects to the Specification because of lack of an Abstract. An Abstract is added by way of this reply; accordingly, withdrawal of this objection is respectfully requested.

Claim Objections

Claim 14 is objected to for improperly reciting a “computer program stored on an information support”. Claim 14 is hereby amended to recite a *computer readable storage medium* comprising a program with instructions, that when executed, perform a method. No new matter is

added by way of these amendments, as support can be found, for example, in paragraph [0061] of the publication of the present application.

Claim Amendments

Independent claims 1, 8, and 14 are amended for purposes of clarification. No new matter is added by way of these amendments, as support may be found, for example, at least in paragraphs [0027] and [0036] of the publication of the present application.

Rejection(s) under 35 U.S.C. § 103

Claims 1-4, 7, 8-10 13, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,678,751 ("Hays") in view of WO 9949415 ("Gemplus"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Further, when combining prior art elements, the Examiner "must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference...." MPEP § 2143(A).

The amended independent claims require, in part, (i) sampling an initial signal simultaneously at two speeds, a first speed associated with a first protocol and a second speed

associated with a second protocol. *See* publication of present application, paragraphs [0027] and [0036]. Applicant respectfully asserts that Hays and Gemplus fail to disclose or render obvious the aforementioned limitations.

Specifically, Hays relates to determining a baud rate for sample signals in a remote device. *See* Hays, Abstract. The sample signals in Hays are also used to determine a protocol by which the remote device communicates. The remote device is then set to communicate using the determined protocol at the determined baud rate. *See Id.*

The cited portion of Hays discloses that the sample signals are used to determine the protocol used by the remote device and that protocol parameters are used to match templates. *See* Hays col. 3, ll. 35-47. However, Hays fails to disclose or render obvious two distinct protocols and sampling of initial signals at two different speeds associated with a respective one of the two distinct protocols, as required by the claimed invention. In fact, a complete reading of Hays reveals that only a single protocol is mentioned, and only a single protocol is determined for the remote device. There is no mention of two protocols, each associated with a speed at which the initial signal is sampled.

In addition, it logically follows from the above that because Hays fails to disclose or render obvious two distinct protocols, Hays cannot possibly disclose performing any type of simultaneous sampling of the signals at the remote device. The claimed invention requires that the initial signal be sampled according to two speeds *simultaneously* (*i.e.*, where the sampling is performed in parallel). Hays simply does not disclose such simultaneous sampling of any of the signals received

by the remote device to determine which protocol the remote device is using to communicate. Accordingly, Hays fails to disclose or render obvious (i) as required above.

Further, Gemplus fails to supply that which Hays lacks. Specifically, Gemplus merely discloses a chip card (*i.e.*, a smart card) as a portable object. However, Gemplus is completely silent with respect to sampling an initial signal at two speeds associated with respectively protocols simultaneously. Accordingly, Gemplus also fails to disclose or render obvious (i) as required above.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of the amended independent claims. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17250/019001).

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Respectfully submitted,

By 

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Attachments (Replacement Sheet Fig. 1)